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6 October 2004

**CERTIFIED & REGULAR U.S. MAIL**

Darlington Amadasu  
P.O. Box 6263  
Cincinnati, OH 45206

Re: Amadasu v. Donovan, et al.

Dear Mr. Amadasu:

I write in response to your letter of 4 October 2004, and additionally to address your continuing failure to comply with Rule 26 of the Federal Rules of Civil Procedure.

Your letter erroneously states that an entry of default has been entered in this case. As clearly set forth in our opposition to your frivolous motion for default judgment, your second amended complaint is before the Court not as such, but only as an attachment to your untimely motion for leave to amend. No answer is necessary unless and until the Court grants you leave to amend, which we have also opposed. Rule 15 of the Federal Rules of Civil Procedure very clearly sets forth the requirement that you obtain leave of court for an amendment, and nothing in Magistrate Judge Black's scheduling order nullifies that requirement. Nor did we consent.

In your letter, you also assert that we "have a duty and obligation to produce to plaintiff copies of documents" in our possession. This assertion is incorrect. Rule 26 of the Federal Rules of Civil Procedure explicitly provides that copies of the documents need not be produced with the initial disclosures. In compliance with the Rule, we have stated that documents which the Ohio Defendants may use to support their claims or defenses, other than solely for impeachment, are available for inspection at the offices of Taft, Stettinius & Hollister LLP at a mutually agreeable time.

Your initial disclosures, however, are not in compliance with the explicit requirements of Rule 26. As I have previously advised you in my letters of 23 July 2004 and 20 August 2004, you failed to include the required computation of your alleged damages, and you have also failed

Darlington Amadasu

6 October 2004

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to make available for inspection and copying as under Rule 34 the documents or other evidentiary material on which such computation is based, including materials bearing on the nature and extent of you alleged injuries. I now reiterate -- yet again -- our request that you satisfy your requirements under Rule 26. If you are refusing to do so, please confirm that fact on or before 11 October 2004 so that we may seek the appropriate relief from the Court. Thank you.

Finally, attached is the Ohio Defendants' Notice of Deposition, pursuant to Rule 30 of the Federal Rules of Civil Procedure. Because you did not respond to my informal request for dates, we have noticed your deposition for 9:00 a.m. on Friday, 29 October 2004 at our offices in downtown Cincinnati.

I will see you on 29 October 2004.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Justin D. Flamm', with a long horizontal line extending to the right.

Justin D. Flamm

JDF:srs

cc: Ramiro Canales (via fax and U.S. mail)

bcc: Mitchell D. McCrate (enc)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

DARLINGTON AMADASU,	:	
	:	Case No. 1:01-cv-210
Plaintiff,	:	
	:	Judge Dlott
v.	:	Magistrate Judge Black
	:	
JAMES R. DONOVAN, M.D., <i>et al.</i> ,	:	<b>NOTICE OF DEPOSITION OF</b>
	:	<b><u>PLAINTIFF ON OCTOBER 29, 2004</u></b>
Defendants.	:	

Please take notice that Defendants The University of Cincinnati, James R. Donovan, Andrew G. Freeman, Debra Ann Middaugh, Muriel Pohl, Dora Jefferson-Gaynor, Ralph Charles Buncher, Judy L. Jarrell, Tracy Herrman, James Lockey, and Andrew T. Filak (collectively "the Ohio Defendants"), by counsel, will take the deposition of Plaintiff Darlington Amadasu on Friday, October 29, 2004, commencing at 9:00 a.m., pursuant to Rules 26, 30 and 32 of the Federal Rules of Civil Procedure. Said deposition will take place at the offices of counsel for the Ohio Defendants, Taft, Stettinius & Hollister LLP, at 425 Walnut Street, Suite 1800, Cincinnati, Ohio 45202, and will continue from day to day until completed. The deposition will be recorded by stenographic means and may be videotaped.

Respectfully submitted,

James Petro, Attorney General

By: /s/ Justin D. Flamm

Gregory Parker Rogers (0042323)

Justin D. Flamm (0071575)

Taft, Stettinius & Hollister, LLP

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Attorneys for the Ohio Defendants

OF COUNSEL:

Mitchell D. McCrate (0047403)

Associate General Counsel

University of Cincinnati

Office of the General Counsel

300 Administrative Building

Cincinnati, Ohio 45221-0623

(513) 556-3483

### **CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing using the CM/ECF system and served copies upon Darlington Amadasu, Plaintiff Pro Se, at P.O. Box 6263, Cincinnati, Ohio 45206, via certified and regular United States mail, postage prepaid, and upon Ramiro Canales, counsel for Claudia Miller, Roger Perales, and the University of Texas Health Science Center at San Antonio, at Assistant Attorney General for the State of Texas, General Litigation Division, P.O. Box 12548, Capitol Station, Austin, TX 78711-2548 via facsimile and regular United States mail, postage prepaid, this 6th day of October, 2004.

James Petro, Attorney General

By: /s/ Justin D. Flamm  
Gregory Parker Rogers (0042323)  
Justin D. Flamm (0071575)  
Taft, Stettinius & Hollister, LLP  
425 Walnut Street, Suite 1800  
Cincinnati, Ohio 45202-3957  
(513) 381-2838  
(513) 381-0205 (fax)

Attorneys for the Ohio Defendants

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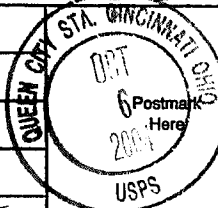
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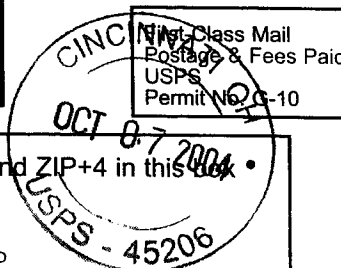
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Amadasu  
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Justin D. Flamm  
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